

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE:	)	Case No. 17-22076-rdd
	)	
CRYSTAL GLASS SERVICES R.E. INC.,	)	Chapter 11
	)	
Debtor.	)	Doc. No.
	)	
CRYSTAL GLASS SERVICES R.E. INC,	)	Related to Doc. No. 61
Movant,	)	
v.	)	
	)	
METALEX, INC.,	)	
Respondent.	)	

**LIMITED RESPONSE TO MOTION FOR ORDER AUTHORIZING SALE**

Metalex, Inc. (“Metalex”), by and through its counsel, Tucker Arensberg, P.C., files this Limited Response to the Debtor’s *Motion for Order Authorizing Sale* (“Sale Motion”) filed at Document No. 61, and represents as follows:

**FACTUAL AND PROCEDURAL HISTORY**

1. On January 21, 2017, the Debtor commenced the instant Chapter 11 Bankruptcy case under Title 11 of the United States Code, 11 U.S.C. § 101 *et seq.*
2. The Debtor’s case was filed as a Single Asset Real Estate case just three (3) days before a scheduled foreclosure sale of the property located at: 68 Runyon Avenue, Yonkers, New York 10710 (the “Property”).
3. The scheduled sale was the result of Metalex obtaining a judgement of foreclosure in November, 2016, in its foreclosure action in the Supreme Court of New York, Westchester County pending at Index No. 60575/2014, which has been pending since July 11, 2014.

4. On March 24, 2017, Metalex filed the Motion for Relief from Stay (“Motion for Relief”) seeking relief from the Automatic Stay. *See* Document No. 18.

5. On July 27, 2017, after several continued hearings on the Motion for Relief and after the Court directed the Debtor to make certain Adequate Protection Payments to Metalex, and the Debtor failing to make said payments, the Court entered an Order granting the Motion for Relief.

6. Upon obtaining relief from the automatic stay, Metalex obtained a date for another foreclosure sale scheduled for October 23, 2017.

7. On September 5, 2017, the Debtor filed the Sale Motion seeking approval of the sale of the Property and purporting that Metalex’s claim will be paid in full from the proceeds of the proposed sale. *See* Document No. 61 generally.

#### LIMITED RESPONSE AND RESERVATION OF RIGHTS

8. Notwithstanding the proposed sale set forth in the Sale Motion, Metalex files this Limited Response to reserve any rights and furthermore, under no circumstances, will it consent or take measures to adjourn, cancel or reschedule the October 23rd foreclosure sale date.

Dated: September 13, 2017

Respectfully submitted,

TUCKER ARENSBERG, P.C.

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